

IN THE PLANNING COMMISSION OF WOODBURN, OREGON

SUB 2010-02
EXCP 2010-05

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FINAL ORDER

WHEREAS, a request was made by Ivo Toran, property owner, for a Subdivision to divide one parcel into four lots and an Exception to Street Right-of-Way and Improvement Requirements for Laurel Avenue and Landau Drive to defer installation of improvements to the rights-of-way, and;

WHEREAS, the Planning Commission reviewed the matter at the meeting of October 14, 2010 and;

WHEREAS, the Planning Commission considered the written and oral testimony presented by staff and the public, and;


WHEREAS, the Planning Commission closed the hearing, and;

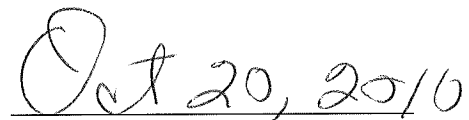
WHEREAS, the Planning Commission moved to approve case numbers SUB 2010-02 and EXCP 2010-05 and instructed staff to prepare findings and conclusions,

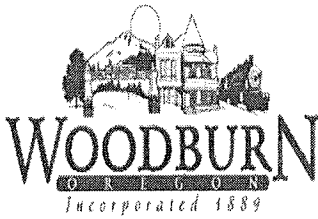
NOW, THEREFORE, IT IS HEREBY ORDERED BY THE COMMISSION:

The Planning Commission approves case numbers SUB 2010-02 and EXCP 2010-05 based on the findings and conclusions contained in Exhibit "A", and subject to the conditions of approval contained in Exhibit "B", which are attached hereto and by reference incorporated herein and which the Planning Commission finds reasonable.

Approved:


Ellen Bandelow, Chairperson


Date



**Department of Economic and
Development Services
Planning Division**

270 Montgomery Street, Woodburn, Oregon 97071 • (503) 982-5246

**FINAL ORDER
EXHIBIT A**

General Provisions

Findings: Preliminary subdivision cases and variances are Type III decisions. The Planning Commission is the City's decision-maker. The applications are processed concurrently as required by Section 4.101.02.

WDO 2.102 Residential Single Family (RS) District Standards

Findings: Section 2.102.06.A requires a minimum of 5.2 dwelling units per net acre in subdivisions. The proposed density is 4 dwelling units on 0.56 net acre (after required right-of-way dedications), or 7.2 dwelling units per net acre.

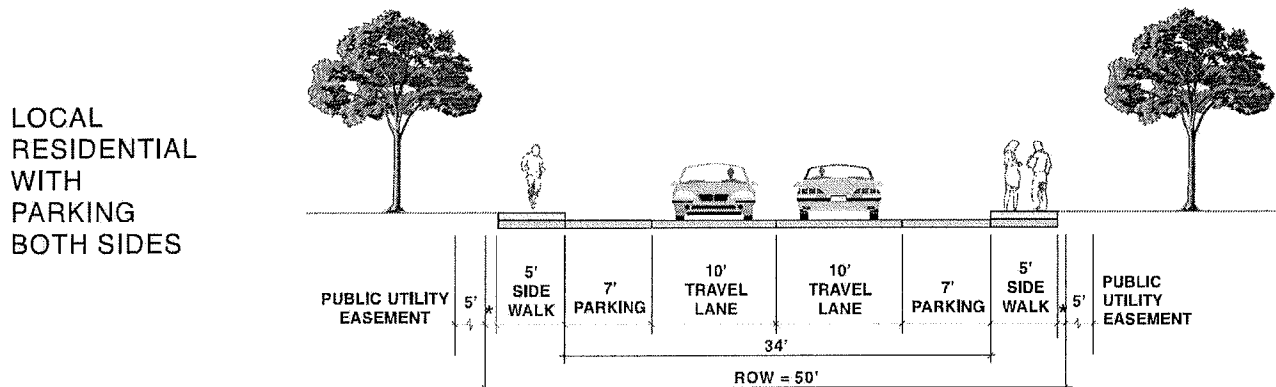
Findings: Table 2.1.1 gives the lot standards for residential uses in the RS zone. For interior lots, it requires a minimum lot area of 6,000 square feet, a minimum lot width of 50 feet, an average lot depth of 90 feet, and a minimum street frontage of 40 feet. The proposed lots are all interior lots and are each approximately 6,110 square feet in area, 55 feet in width, 111 feet in depth, and have 55 feet of street frontage.

Findings: Section 2.102.07.F.1 provides that the street frontage property be improved with sidewalks and street trees, to the standards of Section 3.101 and 3.106." This requirement is addressed below, in the discussion of Sections 3.101 and 3.106.

WDO 3.101 Street Standards

Findings: Laurel Avenue and Landau Drive are the Boundary Streets and also the Connecting Streets for the property, as defined in Section 1.102 and shown in Figure 6.12 of the Transportation System Plan. Laurel Avenue and Landau Drive are designated as local residential streets in the Plan. The minimum required cross-section for a local residential street is 50 foot of dedicated right-of-way. After discussion with the Public Works Department and the applicant, the cross-section illustrated below (which is modified from Figure 7.2 of the Transportation System Plan) is proposed for both Laurel Avenue and Landau Drive. The existing cross-section of Laurel Avenue is a 40-50 foot right-of-way, improved with (south to north) a 6 inch curb, 34 feet of paved surface (two travel lanes), and 6 inch curb. The existing cross-section of Landau Drive is a 30 foot right-of-way,

improved with (south to north) a 4 foot sidewalk, 9 foot planter strip, 2½ foot curb and gutter, and 14 feet of paved surface.



The preliminary subdivision plan shows 10 feet of right-of-way dedication on Laurel Avenue and 20 feet of right-of-way dedication on Landau Drive. The Public Works Department reports that dedication of 5 feet on Laurel Avenue and 23.5 feet on Landau Drive are necessary to implement the proposed street cross-section. The applicant has requested an Exception to Street Right-of-Way and Improvement Requirements for both streets, as discussed in detail below.

WDO 3.102 Utilities and Easements

Finding: Section 3.102.04.A requires dedication of easements for municipal infrastructure, if required by the Public Works Department. The Public Works Department has not requested dedication of easements, other than the public utility easement required by Section 3.102.04.B. The Public Works Department requests that the storm and sanitary sewer easements be noted as “private.”

Findings: Section 3.102.04.B requires dedication of a 5 foot public utility easement along each lot line abutting a street. The preliminary subdivision plan shows a 5 foot public utility easement along Laurel Avenue and Landau Drive.

WDO 3.103 Setback, Open Space and Lot Standards, Generally

Findings: Section 3.103.01 Setbacks and required open space define the areas within a lot or a planned unit development that are to be retained and maintained, unobstructed by buildings and structures, EXCEPT for projections, accessory uses and structures and for common facilities required as a condition of a land use decision.

WDO 3.104 Access

Findings: Section 3.104.01.A.1 requires that parcels have access to a public street. Table 2.1.1 requires at least 40 feet of street frontage. The preliminary subdivision plan shows all lots with direct access to a public right-of-way and with approximately 55 feet of street frontage.

WDO 3.106 Landscaping Standards

Findings: Section 3.106.A.1 requires that street trees be planted prior to final occupancy. Section 6.103 lists acceptable and unacceptable trees species, classified by size. Four small trees, three medium trees, or two large trees are required per 100 feet of street frontage. The subdivision has 110 feet of street frontage on Laurel Avenue and 110 feet on Landau Drive. The preliminary subdivision plan does not show street trees. Four small trees, three medium trees, or two large trees are required on each street frontage prior to final occupancy. The modified street cross-section illustrated above locates the trees on private property, not in the public right-of-way.

WDO 5.103.09 Subdivision Preliminary Approval

Findings: Section 5.103.09.C.1 requires that a subdivision not impede the future best use of the remainder of the property or development of adjoining land. The current application includes all contiguous land owned by the applicant. The subdivision design does not restrict access to or development of abutting properties.

Findings: Section 5.103.09.C.2 requires that a subdivision be served with city streets, water, sewer and storm drainage facilities with adequate capacity. The Public Works Department reports that the development can be served by the existing systems.

Findings: Section 5.103.09.C.3 requires that the plan for the development takes into account topography, vegetation and other natural features of the site. The lots are essentially flat, with no natural features or significant vegetation.

Findings: Section 5.103.09.C.4 requires that adequate measures be taken to alleviate identified hazards and limitations to development from wetlands and geologically unstable soil. There are no wetlands or unstable soil identified on the property.

Findings: Section 5.103.09.C.5 requires that the development be phased to balance with the need for urbanization within the Woodburn Urban Growth Boundary.

Findings: Section 5.103.09.C.6 requires that the development with all applicable provisions of the WDO, EXCEPT as may be waived by variance granted as provided in WDO. Compliance with the relevant standards and the need for variance is detailed in this report.

WDO 5.103.12 Exception to Street Right of Way and Improvement Requirements

The applicant is requesting an Exception for Laurel Avenue and Landau Drive. Section 5.103.12 requires the applicant to analyze the effect of a proposed development on streets near the development (the boundary streets and connecting streets), and on the larger transportation system.

Subsection C.1 requires an estimate of the extent to which the rights-of-way and improvements will be used by persons served by the building or development.

Findings: The Institute of Traffic Engineer's Trip Generation Manual (7th edition) estimates 9.57 average daily trips per dwelling unit. The proposed subdivision will entail a net increase of 3 dwelling units and can be expected to generate an additional 10 average daily trips on Laurel Avenue and an additional 19 average daily trips on Landau Drive. Neither conventional traffic counts nor the ITE Trip Generation Manual account for non-vehicular traffic. The sidewalks are required by the Transportation System Plan for safety. The landscape strip is required by the Transportation System Plan as a standard of aesthetics. The specified improvements are needed to provide vehicle and non-motorized transportation facilities throughout the street corridor. Traffic counts are not available for either Laurel Avenue or Landau Drive. Aerial photography shows 6 existing dwellings access Laurel Avenue between the subject property and its eastern dead-end terminus (including the existing dwelling on the subject property), and 4 existing dwellings on Pauline Street, that could use Laurel Avenue to access Highway 99E and the larger transportation system. Aerial photography shows 6 existing dwellings access Landau Drive between the subject property and its eastern dead-end terminus. The proposed subdivision would add a net of one dwelling accessing Laurel Avenue and two dwellings accessing Landau Drive.

Subsection C.2 requires an estimate of the improvements needed to meet the estimated use of the building or development.

Findings regarding Laurel Avenue: The proposed subdivision will generate approximately a 10 percent increase in vehicular trips per day on Laurel Avenue at the western boundary of the subject property. The existing cross-section of Laurel Avenue is a 40-50 foot right-of-way, improved with (south to north) a 6 inch curb, 34 feet of paved surface (two travel lanes), and 6 inch curb.

Findings regarding Landau Drive: The proposed subdivision will generate approximately a 33 percent increase in vehicular trips per day on Landau Drive at the western boundary of the subject property. The existing cross-section of Landau Drive is a 30 foot right-of-way, improved with (south to north) a 4 foot sidewalk, 9 foot planter strip, 2½ foot curb and gutter, and 14 feet of paved surface.

Subsection C.3 requires an estimate of the impact the building or development will have on the larger public infrastructure system.

Findings: The proposed subdivision will generate approximately a 10 percent increase in vehicular trips per day on Laurel Avenue at the western boundary of the subject property, and approximately a 33 percent increase in vehicular trips per day on Landau Drive at the western boundary of subject property. The traffic impact on the larger public infrastructure system is substantially smaller than the impact on Laurel Avenue and Landau Drive.

Subsection C.4 requires an estimate of the improvements needed to mitigate the impact of the building or development on the larger public infrastructure system.

Findings: The proposed subdivision will generate approximately a 10 percent increase in vehicular trips per day on Laurel Avenue at the western boundary of the subject property and approximately a

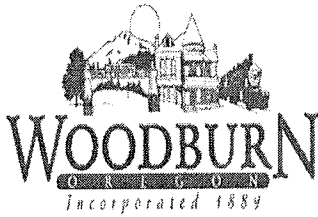
33 percent increase in vehicular trips per day on Landau Drive at the western boundary of subject property. The traffic impact on the larger public infrastructure system is substantially smaller than the impact on Laurel Avenue and Landau Drive.

Findings: Section 5.103.12.D prohibits exceptions from construction specifications. The applicant has not requested an exception from construction specifications, but rather an exception to the street cross section requirement.

Findings: Section 5.103.12.E requires that rights-of-way meet minimum standards of safety (specified in Section 3.101.02.D) to be eligible for a street exception. Section 3.101.02.D.2.b sets the minimum requirements for a boundary street as: one 10 foot wide travel lane in each direction, in addition to the required curbs, and the required drainage facilities. Section 3.101.02.D.1.b sets the minimum requirements for a connecting street as: one, 10 foot wide travel lane in each direction, in addition to the required curbs, the required drainage facilities, and the pedestrian facilities located on one side of the street that comply with the standards for the subject street classification. Laurel Avenue and Landau Drive are designated as local residential streets in the Plan. After discussion with the Public Works Department and the applicant, the cross-section illustrated on page 4 is proposed for both Laurel Avenue and Landau Drive. The existing cross-section of Laurel Avenue is a 40-50' right-of-way, improved with (south to north) a 6" curb, 34' of paved surface (two travel lanes), and 6" curb. The existing cross-section of Landau Drive is a 30' right-of-way, improved with (south to north) a 4' sidewalk, 9' planter strip, 2½' curb and gutter, and 14' of paved surface. Abutting tax lot 051W17BD02000 is owned by the City of Woodburn.

Other considerations

The Fire District requires an emergency vehicle turnaround for this project. The "private access and utility easement" shown on the adjacent property to the west could satisfy this requirement if the applicant obtained permission in writing from the adjacent property owners.



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Development Services
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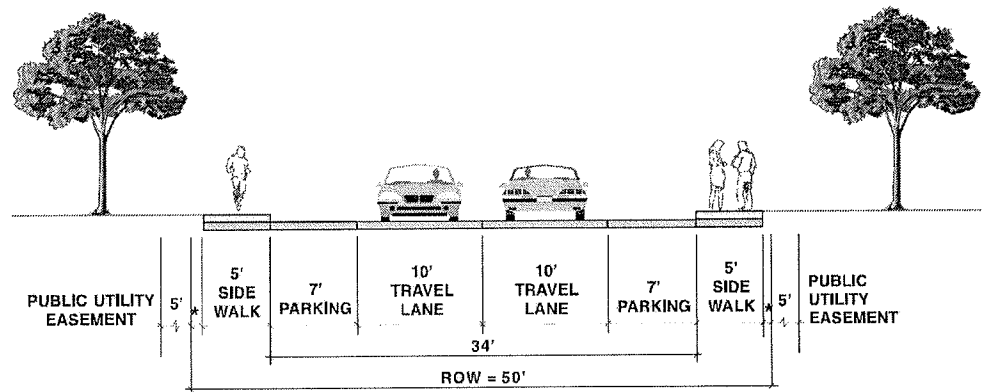
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**FINAL ORDER
EXHIBIT B**

The Planning Commission approves cases SUB 2010-02 and EXCP 2010-05 subject to the following conditions of approval:

1. The property owner shall execute an acceptance of these conditions on a form provided by the City.
2. The property shall be developed in substantial conformity to the plan attached hereto as Exhibits C and D, except as modified by these conditions of approval.
3. The property owners shall submit a final subdivision plat application to the Department of Economic & Development Services that has been prepared consistent with Oregon Revised Statutes Chapter 92 and Marion County Surveyor standards.
4. The final subdivision plat shall note that the storm and sanitary sewer easements are private easements.
5. The property owner shall dedicate 5 feet to right-of-way on Laurel Avenue and 23.5 feet to right-of-way on Landau Drive.
6. The applicant shall identify the location of at least four small trees, three medium trees, or two large trees (as described in Section 6.103) on each street frontage, and specify the species to be planted. The trees shall be planted prior to final occupancy of each lot.
7. The property owner shall construct a 5 foot sidewalk along the entire frontage of the subject property on Laurel Avenue.
8. The property owner shall improve Landau Drive to the cross-section illustrated below by widening the existing pavement to provide two 10 foot travel lanes, providing (on the north) one 7 foot parking lane, curb, and 5 foot sidewalk along the entire frontage of the subject property, and providing a safe transition to the existing improvements. The transition shall be located on abutting tax lot 051W17BD02000.
9. The property owner shall enter into a non-remonstrance agreement with the City to participate in future street improvements to Laurel Avenue and Landau Drive.
10. The property owner shall provide documentation acceptable to the City Attorney that the area shown as a "private access and utility easement" on the adjacent property to the west is available for use as an emergency vehicle access for the proposed lots.

LOCAL
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BOTH SIDES



ATTACHMENTS AND EXHIBITS

- Attachment "A"** Applicant's narrative for the subdivision, submitted August 2, 2010
- Attachment "B"** Applicant's narrative for the street exception, date stamped August 4, 2010
- Exhibit "A"** Preliminary Plan, date stamped August 2, 2010
- Exhibit "B"** Proposed Utility Plan, date stamped August 2, 2010
- Exhibit "C"** Revised Preliminary Plan, date stamped September 9, 2010
- Exhibit "D"** Revised Proposed Utility Plan, date stamped September 9, 2010